Dev (1943.) Depart[redacted]

Ms. SERIES.

G.O. No. 42-b

Dated 2-9-3-43

[Despatch Abstract.]

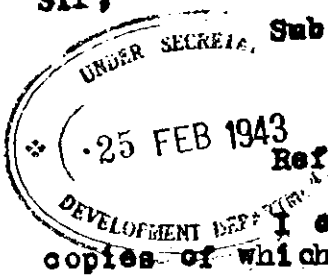
ivil Supplies - Jaggery - Hospet area - Payment and receipt of ent in terms of jaggery - Prohibition under Defence of India Rules ssued.

From
I.M.Fraser Esq., I.C.S.
Collector,
Bellary.

To
The Secretary,to Government,
Development department,
MADRAS.

Ref.No.1771/42 dated 20-2-43.

Sir,



Sub: Civil supplies - Jaggery manufacture - Hospet factory area - Prohibition - Telegrams from Ryots - Report submitted.

Ref: Government endorsemat No.1939-J/43-4 dated 8-2-43.

I offer below my remarks seriatum on each of the telegrams, copies of which have been communicated to with reference cited above.

Kanvi Basapuram Village: The total acreage of 144 standing in Kanvi Basapuram has to be exempted completely as it is impossible for sugur cane to be carted from this village to the factory.

Kalaghatta village: out of the total extent of 160 acres of cane in this village as it stood on 31-1-43 are extent of 125 acres has to be exempted.

Venkatapuram village: 80 acres of cane out of the total extent of 140 has to be exempted.

Malapanagudi village: This village is not entitled to any exemption as all the cane in the village is easily accessible for the factory the authorities of which are reported to have agreed to take the entire stock. The objections raised are meaningless and therefore deserve no consideration. No village which carted cane to the factory has been exempted so far. In a telegram to me, copy enclosed it was reported that the landholders refused to receive the lease amount in cash based on the value of the cane according to the notified rate but insist

P.t.o.

on being paid in terms of jaggery. This attitude on the part of the land lords is unjust and amounts to harassing in view of the fact that the manufacture of jaggery in the Hospet area has been prohibited in G.O.No.59 dated 22-1-43. In spite of this, the land lords may still insist on their having their pound of flesh from the poor cultivator by threatening them with civil suits. To obviate this difficulty I suggest that the [illegible] on the part of the land holders in the factory area to accept the proportionate value of the cane at the notified rates towards the satisfaction of the terms of the lease may be made liable for [illegible] under the Defence of India Rules and a notification may be issued accordingly.

Marasapur village: It is reported that the entire area can be carted to the factory and that the factory authorities are also arranging to repair the carttracks. The sub collector reports that the apprehension of the ryots in the villages where the manufacture of jaggery has been prohibited, are unfounded and more imaginary than real. There is no danger of the cane not being crushed by the factory. The factory has to pay for all the cane commandeered and the ryots need not bear any loss, even if there should be any unforeseen delay on the part of the factory in crushing the cane. As long as the factory is working as at present crushing over 570 tons per day it is expected that they will crush the cane from the entire area by the first week of March. As the cane in the exempted area has to be crushed and as there is great clamour and anxiety on the part of the ryots in the exempted areas the sub collector Hospet may be permitted urgently to issue necessary permits. The Sub Collector wired to the Director of Agriculture Madras on 3-2-43 intimating the acrage in the Hospet area to be exempted, and I have approved his recommendation.

Copy of the telegram from Malapanagudi ryots dated 6th February 1943.

Malapanannagudi not exempted towards One hera net value of one ton declined by the land lords factory gives no purchase guarantee net value of ton only Rs.12/- In addition to losses of paying rollers pans milling mens cultivation, expenses insufficient to meet all ryots left bankrupts while other villages though supplying cane last year exempted now this village disproportionately burdened prav martial exemption wired to Government.

True Copy /

DEVELOPMENT DEPT.

TELEGRAM - ~~EXPRESS~~. order

COLLECTOR / No 3294 T/43 dt 2.3.43

BELLARY

REFERENCE YOUR 1771/42 dated 20-2-43.

SUB COLLECTOR EMPOWERED TO EXEMPT - SEE G.O. 159

DEVELOPMENT DATED THIRTEENTH FEBRUARY 1943.

DEVMENT

Ans
2.3.43

C.F. 16.

DRAFT FOR APPROVAL.

10/3/43 Date Initials.

SUBJECT:— Dept. Deptt

When received for fair copying ..
When copied ..
When examined..
When signed ..
When despatched.

Civil Supplies - Jaggery - Hospet area - Payment and receipt of rent in terms of jaggery - Prohibition - Notification under Defence of India Rules - Issued.

READ AGAIN G.O. 59 Deptt, dated 22-1-43 19
" " " 159 " " 13-2-43. 19
READ ALSO:—
No. From the Collr of Bellary Rc No. 1771/42, dated 20-2-1943 - pp 1-2 cf
" " " " " 19
" " " " " 19
Order Ms. No. 426, dated 29-3-43 19

Notification.

In exercise of the powers conferred by clause (f) of sub rule (2) of Rule 81 of the Defence of India Rules H.E. the Governor of Madras is pleased to prohibit the delivery or receipt of rent in the shape of jaggery in the villages in Hospet area where the manufacture of jaggery is prohibited. Where any existing contract between land lord and tenant requires that rent should be paid in jaggery, the cash equivalent of Cane according to the notified price of cane required to produce the quantity of jaggery specified in the contract should be paid and accepted as rent.

The above notification will be published in the F.S.G.

H.E revised notification at (R)

To the S.G.P for publication in the F.S.G. Gazette.
" " Collector of Bellary. Rc 1771/43 dt 13.3.43
" " Subcollector Hospet
" " Bd of Revenue
" " Agt
" " Sec. C
" " Revs
Copy to Shce file.
& Scs. 15343

Dept. Dept

Memo. No 3294 T/43-4 of 29.3.43

Civil Supplies - Jaggery - Hospet area -

Payment of rent in the shape of jaggery.

Ref from the Collector of Bellary, Ref: No 1771/42 dated 20.2.43.

In their notification issued in Go No Rb.426 dt 29/43 the Govt have prohibited the ~~delivery or receipt~~ demanding or insisting on the payment of rent in the shape of jaggery in any of the villages in Hospet area where the manufacture of jaggery from cane is prohibited. The Sub Collector Hospet is requested to bring this order to the notice of the tenants and the landlords and to see that the order is complied with.

13.3.43

15343

To the Collector Hospet
" Collector of Bellary
" Board of Rev (C.S)

Legal Department.

WHEREAS by an order under rule 81(2) of the Defence of India Rules published with Development Department Notification No..31....dated the...22nd January 1943 at page..65..of Part I..... of the Fort St. George Gazette dated the..26th Jan 1943as subsequently amended, the Government of Madras prohibited the crushing of sugar-cane for the manufacture of jaggery in the villages in the Hospet area in the Bellary District specified in the Schedule to that order, except under a permit issued by the Sub-Collector of Hospet;

AND WHEREAS it is expedient to prohibit in the said villages, the demanding or insisting on payment of any rent in the shape of jaggery;

NOW, THEREFORE, in exercise of the powers conferred by clause (f) of the said rule 81(2), His Excellency the Governor of Madras is hereby pleased to direct—

(i) that notwithstanding anything contained in any contract, no person shall demand or insist on the delivery of any quantity of jaggery as or towards the rent for any property in the said villages; and

(ii) where in any case the contract provides for the delivery of any quantity of jaggery as or towards rent, the tenant shall pay, and the landlord shall receive, in lieu thereof, the cash value of the sugar-cane required to produce that quantity of jaggery, as determined in accordance with the price of sugar-cane notified under the Sugar-cane Act, 1934.

Rao
1873/43

GOVERNMENT OF MADRAS

Received.....1943. Registered.....194

Abstract.

Civil Supplies - Jaggery - Hospet area - Payment and receipt of rent in terms of jaggery - Prohibition - Notification under Defence of India Rules - Issued.

Development Department.

G.O.No.Ms.426 dated 19th March 1943.

Read the following:-

G.O.No.59 Dev., dated 22nd January 1943.
G.O.No.152 Dev. dated 13th February 1943.

[illegible]

NOTIFICATION.

WHEREAS by an order under rule 81(2) of the Defence of India Rules published with Development Department Notification No.31 dated the 22nd January 1943 at page 65 of part I of the Fort St. George Gazette dated the 26th January 1943 as subsequently amended, the Government of Madras prohibited the crushing of sugarcane for the manufacture of jaggery in the villages in the Hospet area in the Bellary District specified in the Schedule to that Order, except under a permit issued by the Sub-Collector of Hospet

AND WHEREAS it is expedient to prohibit in the said villages, the demanding of or insisting on payment of any rent in the shape of jaggery;

NOW, THEREFORE, in exercise of the powers conferred by clause (f) of the said rule 81(2), His Excellency the Governor of Madras is hereby pleased to direct--

(i) that notwithstanding anything contained in any contract no person shall demand or insist on the delivery of any quantity of jaggery as or towards the rent for any property in the said villages; and

(ii) where in any case the contract provides for the delivery of any quantity of jaggery as or towards rent, the tenant shall pay, and the landlord shall receive, in lieu thereof, the cash value of the sugar-cane required to produce that quantity of jaggery, as determined in accordance with the price of sugar-cane notified under the Sugar-cane Act, 1934.

2. The above notification will be published in the Fort St. George Gazette.

(By order of His Excellency the Governor)

A.F.C. Westlake,
Secretary to Government.

To the Superintendent, Government Press, for publication in the Fort St. George Gazette.
" Collector of Bellary.
" Sub-Collector of Hospet.
" Board of Revenue (Civil Supplies)
" Director of Agriculture.
" Director of Industries and Commerce.
" Registrar of Co-operative Societies.

/True Copy/
Forwarded/By Order/

L.M./30.3. Superintendent.

Dept. Depts

Civil Supplies - Jaggery - Manufacture - Hospet area - Refusal of land lords to receive lease amount in Cash

Memo Bellary From the Collector of Bellary No. 1771/42 dt 20.2.43

Please see the letter from the Collector of Bellary on pp 1-2 CF. As regards the recommendations made by the Collector for the exemption of certain villagers, his attention maybe invited 1-2 CF to fo no. 159 dated 13.2.43 in which the Sub-Collector Hospet has been empowered to grant exemptions & the Collector may be asked to issue the necessary instructions to the Sub-collector Hospet. 6 CF of (G)

2. The Collector states that the land holders in the Hospet area are refusing to receive the lease amount in Cash & they are insisting on being paid in terms of jaggery. He therefore recommends the issue of an order under the Defence of India Rules making the refusal on the part of land holders in the Hospet area to accept the proportionate value of the Cane at the notified rates towards the satisfaction of the terms of the lease, an offence. It has been reported that in the case of certain land-lords the lease is in terms of jaggery for. It is not clear whether if this Govt issued an order as suggested by the Collector it will nullify the agreements already entered into by the land-lords. The remarks of Legal Member may be invited on this point. The Collector's suggestion

~~That land-lords should accept payment calculated at the notified rate for cane, who does not accept the notified rates on the maximum is not fixed.~~

1 CF.

2 CF

6 CF of (J)

A

2

~~It will therefore appear that the Govt will have to fix a separate rate for these transactions.~~

A draft memo to the Collector is submitted with reference to para 1 above. After issue, the file may be sent to Legal for remarks.

RE
6/2/43

C
1343

Issue telegram vide para 4 Legal for remarks.

RW
7.3.43

Issued as telegram no 3294 J/43-1 dated 2.3.

Dept no. 3294 J/43-2
2-3-43
ASSISTANT SECRETARY
1460
3-MAR 1943
LEGAL DEPARTMENT.

Legal Department

The manufacture of jaggery in the Hospet area has been prohibited by an order issued under Rule 81 (2) of the Defence of India Rules. It is open to the Government to issue a supplemental order under clause (f) of that Rule, prohibiting the delivery or receipt of rent in the shape of jaggery in the Hospet area, and providing for the payment of rent in cash in cases where the contract between landlord and tenant requires that rent should be paid in jaggery. If such an order is issued, the position will be quite clear and the contracts will stand suitably modified. If the landlords still insist on jaggery rents, they may be punished under Rule 81 (4) of the Defence of India Rules.

p.22 of (J

1460-1
11.3.43

K.M. 10/3/43

10/3/43

S

UNDER SECRETARY
11 MAR 1943
DEVELOPMENT DEPARTMENT

Dept. Dept

A draft notification prohibiting the payment or receipt of rent in the shape of jaggery is submitted for approval. A draft memo to the Collector Hospet is also submitted. The file may be sent to Legal

for sending of the draft ~~order~~ notification.

MC 13/3 WD 13.3.43 C 15343 Legal (Very urgent)

Dept. No. 3294 S/43-3
15.3.43

Legal Department.

1714
ASSISTANT SECRETARY (PART I)
16 MAR 1943
3-30 P.M.
LEGAL DEPARTMENT.

It is unnecessary to prohibit the voluntary delivery of jaggery by a tenant or to prohibit the landlord from receiving jaggery when voluntarily offered. All that is necessary is to prohibit the demanding or insisting on the payment of rent in the shape of jaggery. A revised draft is placed below - flag (R).

Rao 18/3/43

Legal No. 1714-1
18.3.43

DW

Dept. Deph

UNDER SECRETARY
18 MAR 1943
DEVELOPMENT DEPARTMENT

(1)

The draft order as amended by Legal Dept. may issue.

MC 18/3 WD 18.3.43

The draft at (R) & the amendment may issue

5694
20.3.43

C 20343 S Dw 20.3.43

An

HH 27/3

SECRETARY TO GOVERNMENT
29 MAR 1943
DEVELOPMENT DEPARTMENT

Issued as No. 426 dated 29.3.43

Clear WD 1.4.43